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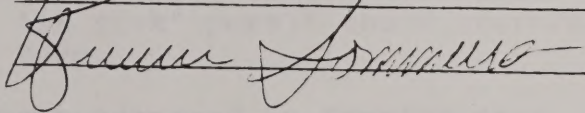
TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Inspectional Services Department Commissioner of the City of Boston hereby petitions to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956 as amended, as follows:

By inserting in Article 5 of the Boston Zoning Code, following Section 5-4 on page 23, as Section 5-5, the following:

Section 5-5. If the Zoning Commission causes public advertisement for a change in any particulars of the Zoning Code, including changes in the zoning districts, the text of the Zoning Code, or the zoning maps, which may affect permit applications currently in process before the Commissioner of the Inspectional Services Department, the Commissioner is empowered to hold such applications in a pending status for a period of no more than twelve months from the date of the application or until the Zoning Commission has made a decision respecting the proposed changes, whichever comes first. However, where the proposed zoning change is more restrictive than that which is currently in effect, the Commissioner may process the application if the application meets the more restrictive requirements, or where the proposed zoning change is less restrictive than the zoning which is currently in effect, the Commissioner may process the application if the application meets the current more restrictive requirements.

Petitioner: Inspectional Services Department

By: 

Address: 1010 Massachusetts Avenue

Boston, Massachusetts 02118

Tel. No.: 442-0046

Date: March 3, 1987

From Section 5-4 of Boston Zoning Code as amended April 22, 1985:
"The estimated average cost to the City of a hearing on a proposed amendment of this code is hereby established as two hundred and twenty-five dollars."

MEMORANDUM

MARCH 12, 1987

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: LINDA BOURQUE, ASSISTANT DIRECTOR FOR NEIGHBORHOOD
PLANNING AND ZONING
GAY FORBES, DEPUTY DIRECTOR FOR NEIGHBORHOOD PLANNING
AND ZONING

SUBJECT: AUTHORIZATION TO RECOMMEND APPROVAL OF PETITION
OF COMMISSIONER WILLIAM SOMMERS TO ZONING COMMISSION
REGARDING ISSUANCE OF BUILDING PERMITS PENDING
ADOPTION OF AMENDMENTS TO ZONING CODE

Commissioner Sommers of the Inspectional Services Department has proposed an amendment to the Boston Zoning Code which will allow him to withhold action on building permit applications for up to twelve months when there are petitions to change the Code pending before the Zoning Commission which would affect permit applications in process.

Chapter 665 of the Acts of 1956, the Enabling Act, provides that amendments to the Zoning Code apply to all applications for permits made after the date of notice of hearing before the Zoning Commission of such amendment. The Zoning Commission has adopted a procedural rule that allows up to twelve months for final action by the Commission on proposed amendments. The result is that any permit issued after notice of hearing is "at risk" and may be "at risk" for up to twelve months or until action by the Zoning Commission. An "at risk" permit becomes invalid when the Commission subsequently adopts applicable changes to the Zoning Code. Work done on a project pursuant to an "at risk" permit could therefore result in violations of the Code.

The zoning amendment proposed by Commissioner Sommers is designed to remedy this problem by empowering the Commissioner to withhold action on permit applications that would be affected by proposed changes to the Code, including changes in zoning districts, Code text, or zoning maps, pending before the Commission. The amendment would allow affected permits to remain in a pending status for up to twelve months from the date of application or until the Zoning Commission has made a decision with respect to the proposed changes, whichever comes first. However, the amendment would allow processing of applications that conform to the more restrictive of the requirements proposed or the current zoning.

Staff strongly recommends support of this petition in order to prevent the issuance of at risk permits that would violate new zoning.

An appropriate vote follows:

VOTED: That the Authority recommends approval of the petition of Commissioner William Sommers to the Zoning Commission regarding issuance of building permits pending adoption of amendments to the Zoning Code.

